

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SURATKUMAR PATEL,

Plaintiff,

v.

ROHIT PATEL, et al.

Defendants.

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CIVIL ACTION

No. 14-5845

ORDER

AND NOW, this 25th day of May, 2016, upon consideration of “Defendants Rohit and Pushpa Patel’s Motion to Dismiss” (Doc. No. 13), Plaintiff’s Response thereto (Doc. No. 14), and Defendants’ Reply (Doc. No. 17), and for the reasons set forth in this Court’s accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendants’ Motion is **GRANTED** in part and **DENIED** in part as follows:

- The Motion is **GRANTED** such that Plaintiff’s claim for Conversion (Count I) is **DISMISSED** because it is barred by the “Gist of the Action” Doctrine.
- The Motion is **GRANTED** such that Plaintiff’s claim for Fraudulent Misrepresentation (Count II) is **DISMISSED** against Defendant Pushpa Patel for failure to state a claim under Federal Rules of Civil Procedure 9(b) and 12(b)(6).
- The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

MITCHELL S. GOLDBERG, J.